

1 what's, you know, what's going on at the station, is it in
2 an uproar, what's going on. Oh no, no, no, everything is
3 fine, and we really just need a really good Station Manager.
4 So, I downloaded the application, it was a fairly rigorous
5 application procedure what the District calls for, and I had
6 to get all of the, not affidavits, they have a word for it
7 where they want your former employer on their letterhead,
8 signed, stating exactly where you had worked, the whole
9 deal. So, I had to go and get those from way back. Some of
0 the management had changed. NPR was reorganizing yet again.
1 But, I was able to get all of them for the past, I think
2 they required your last five jobs or whatever it was. And
3 submitted all that with letters of recommendation and just
4 my awards and things like that, that I thought would round
5 out the application.

6 Q From the time Mr. Helgeson spoke with you about
7 the job possibility, until you were notified that you were
8 hired, approximately how much time elapsed?

9 A Probably about half a year.

10 Q And in the course of that, did you speak with
11 anyone at KALW or SFUSD about the job, was there like an
12 interview process that you had to go through?

13 A Yes. The first person that I spoke with, that
14 called me in, was a man named Glenston Thompson and I went
15 and had a conversation with him. And he said everything

1 looks good on paper, you look like you'd be a great
2 candidate. The only thing I remember that he said, that
3 stuck in my mind, he said this is a rebel town, we need a
4 good radio station, and I was thinking that's Berkeley.

5 Q Not San Francisco?

6 A I didn't say anything. And then I didn't hear
7 anything and I called Bill and I said, you know, what's up,
8 what's going on with the process? And he said, oh, things
9 are a little -- and another reorg at the district, so hang
10 in there. And I said, well, I'm certainly not giving notice
11 to my job. My son had just moved back in with me to go to
12 high school. And so I really, you know, needed work of
13 course and I wanted the stability for him. So, I said,
14 well, I'm not giving notice. And then the next time I heard
15 from the District I interviewed with a committee and that
16 committee was made up of Bill Helgeson and a woman from the
17 station's auditor, Joe Bunker, a woman Lisa Duran who works
18 with Joe Bunker & Company. And then there was a man there,
19 I don't know who he was, he's a professional television
20 broadcaster and I think he does radio work as well but in
21 commercial, he was also there. And we had a brief interview
22 at the District headquarters with these three people, this
23 committee. And that was it and I left.

24 Then I didn't hear again, and I called Bill again,
25 said what's up? And he said, oh, I believe that Dr.

Ackerman had just come on board, or perhaps just come on board six months before, and Dr. Ackerman was still doing due diligence, I'm sure, about finding out the lay of the land and really looking at what she needed to support her vision for the District. And so I believe that at that point Dr. Ackerman was probably rearranging, I really don't know. All I know is I didn't hear for a long time until I got a call from a woman named Jackie Wright. And she said, that was in December of 2000, and she said, hi, I'm Jackie Wright, I'm the Executive Director of the Office of Public Engagement and Information for SFUSD, and I'd like to talk to you about your job application for the position of General Manager.

So, I went in and I met with Jackie, and we had a great interview, we really hit it off. And she said that the Superintendent had put the station under the Office of Public Engagement and Information. And that -- so Jackie interviewed me. And then she said, but this is really not for me to make the final decision about, it's going to be up to the Superintendent, so get out your date book and let's find a time when you can come and meet with the Superintendent. So, I did and we decided upon a time when both the Superintendent, because Ms. Wright had Dr. Ackerman's calendar somewhat. And I came back and Jackie and I went in and I met with the Superintendent, with Dr.

1 Ackerman. We spent about 20 minutes, half hour, she asked
2 me about my vision of the station, a little bit about my
3 background, she had read through my paperwork. She talked a
4 little bit about her vision of the station. And we shook
5 hands and she said, I think you're our candidate. So, I was
6 pretty happy and that was it. And I began March 1st.

7 Q From the time of your interview with Dr. Ackerman,
8 approximately how much time passed before you actually
9 started on the job?

10 A I don't think very much. It was only probably
11 about three weeks, maximum.

12 Q Just long enough for you to give notice where you
13 were?

14 A Exactly.

15 Q All right. With respect to the first time that you
16 had a chance to speak with Jackie Wright, that was the
17 interview itself, or I guess what, she may have called you
18 on the phone and said I'd like to have an interview with
19 you, and so there would have been the first time with the
20 brief phone conversation and then the second time was when
21 you actually had a chance to talk with her, would that be
22 right?

23 A Exactly.

24 Q When you spoke with Jackie Wright, did she give
25 you any information to the effect that there was a license

1 renewal challenge that had been raised against the renewal
2 application that SFUSD had filed for KALW?

3 A No, she did not.

4 Q At the time that you spoke with Ms. Wright, did
5 you know that there was such a license renewal challenge?

6 A No, I did not.

7 Q Subsequently there was a follow-up conversation
8 with Ms. Wright to setup an interview with Dr. Ackerman?

9 A Actually, we did it at that meeting. She said, I
10 can't make the final decision here, Dr. Ackerman should make
11 the final decision, get out your date book, let's find a
12 time when you can come back and meet Dr. Ackerman.

13 Q Okay. So, at the second time when you had the
14 interview with Jackie Wright, you were not aware that there
15 was a license renewal challenge and that didn't come up in
16 the conversation that you had with Jackie Wright?

17 A No, it did not.

18 Q Then there was a period, a relatively brief period
19 apparently, between the second conversation/interview with
20 Jackie Wright and then your interview with Dr. Ackerman,
21 several weeks perhaps?

22 A I really don't remember. It didn't seem like that
23 much of a gap.

24 Q So, conceivably certainly less than two months?

25 A Absolutely.

1 Q Now, when you had a chance to talk with
2 Dr. Ackerman, in the meantime, between the Jackie Wright
3 interview and the Dr. Ackerman interview, did you become
4 aware that there was a license renewal challenge against
5 KALW's renewal application?

6 A No, I did not.

7 Q During the interview with Dr. Ackerman did it come
8 to your attention that there was a license renewal
9 challenge?

10 A No, it did not.

11 Q Following the interview with Dr. Ackerman and
12 before you actually started to work at the radio station,
13 did it come to your attention that there was a license
14 renewal challenge?

15 A No, it did not.

16 Q Surprise, surprise.

17 A Bingo.

18 Q When you started to work at the radio station on
19 March 1, 2001?

20 A Yes.

21 Q A happy date I hope. Did it come to your
22 attention at that time that there was a license renewal
23 challenge?

24 A It came to my attention probably about two or
25 three days after I had started work.

1 Q And what did you find out?

2 A I was told by Bill, oh, by the way, there's a
3 license challenge against the station from 1997.

4 Q And in response to that, you said?

5 A Oh my God. You guys are kidding.

6 MS. REPP: Just a sort of spontaneous response.

7 BY MR. SHOOK:

8 Q Ms. Sawaya, I am showing you a letter from the
9 Federal Communications Commission that's addressed to Ernest
10 Sanchez?

11 A Yes.

12 Q And it concerns KALW Radio. And my question to
13 you is, have you seen this letter before today?

14 A I might have, I cannot say for sure. My guess is,
15 and this is only a guess, that I have not or that I did not,
16 but quite frankly, sir, I really don't remember.

17 Q You're making me feel old.

18 A I'm just trying to be respectful.

19 Q All right. If could please just read to yourself
20 what follows from the word 'Accordingly', and there are
21 numbers one through five that extend from page two to page
22 three, if you could just read that information to yourself?
23 The FCC has an amazing habit of sometimes calling questions
24 directives, I guess that's a little bit scarier than just a
25 plain old question. Now, with respect to Directive No. 1,

1 were you aware that in March of 21001 that the FCC was
2 inquiring or had wanted the information in response to a
3 question or a directive like that?

4 A No. I really didn't start putting the pieces
5 together probably until about mid March.

6 Q Until mid March.

7 A When I started to read through the files.

8 Q Now, were you asked by anyone to respond to
9 Directive No. 1?

10 A No.

11 Q Do you know whether anyone at the radio station
12 was asked to respond to Directive No. 1?

13 A I don't know.

14 Q Moving on to -- well, -- okay. Moving on to
15 Director No. 2, were you asked to respond to Directive No.
16 2?

17 A No.

18 Q Do you know of anyone at the radio station who was
19 asked to respond to Directive No. 2?

20 A No.

21 Q Moving to Directive No. 3, were you asked to
22 respond to Directive No. 3 by anyone?

23 A No.

24 Q Do you know whether anyone at the radio station
25 was asked to respond to Directive No. 3?

1 A I don't know.

2 Q Directive No. 4, were you asked to respond by
3 anyone to Directive No. 4?

4 A No.

5 Q Do you know whether anyone at the radio station
6 was asked to respond to Directive No. 4?

7 A I don't know.

8 Q Directive No. 5, were you asked to respond by
9 anyone to Directive No. 5?

10 A No.

11 Q Including part A, or subpart (a), whatever you
12 want to call that?

13 A No, not at the time of my arrival I was not.

14 Q And do you know whether anyone at the radio
15 station was asked to respond to Directive No. 5, including
16 subpart (a)?

17 A I don't know.

18 Q Now, in front of you there happens to be a copy of
19 a letter dated April 5 and it was filed at the Federal
20 Communications Commission on April 6, 2001. And prior to
21 the time this letter was filed with the FCC, did you see
22 this letter?

23 A I saw it in draft form.

24 Q You saw it in draft form. Were you asked to
25 provide any information or comments relative to the letter?

1 A I really can't remember other than that I had put
2 a few things in motion. I had asked that the Public File be
3 moved into my office, into a locked cabinet. I did, the
4 quarter was just ending actually towards the end of March,
5 so I wanted to make sure that all the public affairs
6 programs, things were correct as far as what was going to
7 put in there from here on out.

8 Q At least for that quarter you would have some
9 control over how that --

10 A Right, even though I came at the end of the
11 quarter, I wanted to see what was the process, walk me
12 through the process, what was your routine.

13 Q And what was their routine?

14 A The routine was to pull from, at that point the
15 NPR website, the Issues Programs List from NPR, and to
16 collect from the producers basically a who, what, how, when,
17 where, why sheet for the public affairs programs, not all of
18 them but those that really tackled substantive issues in the
19 community.

20 Q And as a consequence of that, a document or a
21 series of documents was generated?

22 A Yes.

23 Q And who physically actually caused the documents
24 to be generated?

25 A I would say to Bill, Operations Manager, because

1 MR. SHOOK: Okay. I'll tell you what, let's see
2 if we can do this so that both of us can look at it.

3 BY MR. SHOOK:

4 Q Moving to page three of the April 5 letter that
5 went to the Commission, there is the -- basically it's
6 supposed to replicate the directive that came from the
7 Commission, let's just see whether or not that was the case
8 here. So, also side by side I'm showing you the February
9 2001 letter that the Commission sent to SFUSD by way of Mr.
0 Sanchez. And do the -- it appears that the Directives
1 match?

2 A Absolutely, yes.

3 Q Now, in terms of the response, did you have any
4 role, whatsoever, in providing substantive information that
5 appears in the response, and please feel free to review the
6 entire response if you need to before answering that?

7 A When I found out about the license challenge, I
8 wanted to talk to the station's lawyer and find out what was
9 going on.

10 MS. REPP: Excuse me, Nicole, if I could just
11 interject that when you discuss your conversations with
12 Ernie Sanchez, that you not get into the substance of the
13 conversation, you can mention that you have had a
14 conversation, because of the attorney/client privilege you
15 don't have to go into substance.

1 THE WITNESS: Okay. Thank, Marissa.

2 MS. REPP: Okay.

3 THE WITNESS: I needed to be briefed and
4 Ms. Wright needed to be briefed, and as it turned out,
5 Dr. Ackerman needed to be briefed. And so we called Ernie
6 and I was just confused as to why something from 1997 had
7 languished.

8 Ernie spoke to Jackie and I, and Jackie and I felt
9 that we needed to prod, get something happening with regard
10 to the license challenge. That it felt like it was just
11 languishing there. We didn't know why but it was like,
12 well, we have to put some movement behind this. So, we
13 asked Ernie, Ernie, put some movement behind it. And he
14 said, I'm going to draft a response, I'll draft something,
15 you can look at this. I must say I never connected it to
16 this. I was still trying to figure out how to use the
17 copier. And this is really a complex situation and it had
18 happened a long time ago. And I didn't want to -- it takes
19 me awhile to decide about complexity, I didn't want to come
20 to any quick judgments, especially given the fact that some
21 people were still at the station that were involved in this.

22 So, then Ernie came -- this is April, so I had all
23 of March, by mid March I was starting to read through the
24 original complaint by GGPR and the supplemental, and the
25 license, actually the Public File looked in very good order

1 at that point. There were nicely labeled Issues Programs
2 List from the nineties, they had NPR and a couple of the
3 public affairs shows, they also had a Program Guide in them,
4 I saw that there was the contour map, I saw the engineer's
5 statement, it looked like everything was fine.

6 BY MR. SHOOK:

7 Q So, this would have been around mid March you
8 would have looked at the KALW Public File?

9 A Exactly. I mean I started to look at it in the
10 very beginning, like my second week there, because I had
11 three days off, after I started I had a brief time off I had
12 already planned something, couldn't be at work, so it really
13 got my feet on the ground the second week in March. I had
14 all my keys and all that. And was just trying to connect
15 the dots with all this and trying to get movement. And Mr.
16 Sanchez was game for the movement, yeah, you know. So, he
17 sent this to Jackie and I as a draft. And, you know, at
18 first glance it seemed fine, it seemed like things were
19 being answered, everything was in order, and that we were
20 trying to get some movement around this issue. So, we said,
21 that's great, Ernie, send it off.

22 Q Now, you know, I really only asked you about
23 Directive 1, and so it may be a bit unfair in the sense that
24 there were four other directives. And would it be the case
25 that you would have looked at the entirety of the letter and

the attachments prior to the time it was sent to the Commission?

A I don't remember attachments but I do remember looking at the letter, trying to read it as best I could, certainly not with the eye that I have now.

Q Well, in reading it in March of 2001, or early April of 2001, whenever it was that you actually read the draft, did it ever come up that you should supply your own declaration to verify whatever it was that was said in the letter?

A No.

Q And would it be fair to state that you did not do that because you didn't have any personal involvement in what was going on at the station at the time the renewal certification was made?

A I couldn't speak from knowledge, so --

Q Right, you weren't there.

A I wasn't there.

Q So, in terms of, you know, your understanding or your view that the information that appeared in the draft that you saw was accurate, it was based on your understanding of the situation at the time?

A Exactly right.

Q Did you happen to discuss with Mr. Helgeson the contents of the response to Directive 1?

A I don't remember. I might have, I don't remember.

Q Now, if you could look at Directive 2 and the response to that?

A The Issues Programs List.

Q Right, which begins on page five. Why don't you just take a moment to read through the response. You can do that to yourself.

MR. SHOOK: We can go off the record.

(Off the record at 4:08 p.m.)

(On the record at 4:10 p.m.)

BY MR. SHOOK:

Q What you've read is Directive 2 and the response that the station gave at that time in April of 2001. Did you have a chance to review the station's response prior to it's submission to the FCC?

A In the draft form, I looked over it.

Q And as far as you could tell, it was accurate?

A I can't really recall. I think I was working on a lot of trust then.

Q One question that I didn't ask with respect to Directive 1 and the response to it, and if you need to please feel free to read it again, it's rather lengthy. Knowing what you know now, is there anything in the response that you would change? I can get more specific as time goes along but I'll just start with something very broad and

general.

A That's a very complicated question, sir. I'm not quite sure what I know now even. You mean about that time, knowing what I know now about that time, or knowing what I know now about Public Information File?

Q Let me try to break it out in little -- in more manageable pieces. First of all, the directive is focusing on what was going on in August 1, 1997 when the license renewal application was filed. So, obviously it deals with a period of time that you had absolutely no involvement in what was going on at the radio station. But, knowing what you know now, do you know whether the 'yes' response to the directive on August 1, 1997, when the subject license renewal application was filed, did the KALW Public Information Files contain all of the Ownership Report and Supplemental Reports required to be kept by then Section 73.3527?

A I'm not sure what I know now makes any difference, only in that what I do know is I think everybody had correct intent. When I looked at it, when I really drilled down some months later and kept going back to the Public File, because this was such a big deal, I saw there were Ownership Reports in there for those years, it seemed fine. It was like oh, okay, I didn't micro them, I didn't look at everything, I just gave it a cursory look, oh, well, this

seems okay and this seems okay.

Q Let me tell you what is bothering the Commission, I'll try to put it as well as I can. On August 1, 1997 there was a renewal application that was filed at the FCC and one of the boxes was checked yes, to the effect that all of the documents that the then rules required were actually in the station's Public File. And following that, there was the Petition to Deny, which came from Golden Gate Public Radio and they made all sorts of charges. But, one of them was to the effect that there were gaps in the understanding Public File, that there were supposed to have been certain documents in the file which at the time weren't there. And so the certification wasn't appropriate, it should have been checked 'no' instead of 'yes'. Now, fast forwarding to February of 2001, the Commission is finally getting around to focusing on this and it's asking KALW SFUSD to go back in time and look at what was happening on August 1, 1997 and just tell us yes or no, were all of the documents that were supposed to be in the file there. And you can see from the response that the first word is 'yes'. And you've indicated to us that when you first came to the radio station you had reviewed this response and draft and it seemed okay to you based on what you knew at the time.

Well, now it's three and a half years later and presumably there are things that you know now that you

1 didn't know in March of 2001, and so with that, all of that
2 background in mind, my first question is, is that 'yes'
3 response appropriate for what was in the station's Public
4 File on August 1, 1997?

5 A In all honesty, I would say that there were some
6 little tricks done by GGPR, that's my guess.

7 Q Okay. And what tricks do you think they pulled?

8 A There was open access to the Public File drawer.
9 Dave Evans was the Chief Engineer at the time, from what I
10 can gather, just from little notes that I've found in files,
11 where he would admonish an AO or praise them, he seemed a
12 little not schizophrenic, that's not the right word, but
13 passive aggressive.

14 Q Just enlighten me, what is an AO?

15 A Oh, announcer operator.

16 Q Okay.

17 A I'm sorry.

18 Q Okay.

19 A They're staff at the station.

20 Q Okay.

21 A And there was so much personalization of
22 everything. I mean people, it felt to me, in reviewing it,
23 in knowing some of the players on the periphery, because I'm
24 kind of a public radio industry person so I know all the
25 players in public radio, it seemed vicious, and that being

1 in a General Manager position at a couple of different
2 stations, I wouldn't be surprised if all kinds of things
3 were taken out of that Public File and used against the
4 station at all, it would not surprise me one iota.

5 So, I couldn't say for truth those things were
6 there or they weren't there because shenanigans were going
7 on with people that had complete access.

8 Q Now, recognizing that Mr. Evans is no longer with
9 us, and so there was no way for you to actually --

10 A Ever meet him.

11 Q -- confront him or question him about what he may
12 have done or not done relative to the Public File.
13 Apparently there are other individuals involved, or that had
14 been involved in this Golden Gate Public Radio petition, who
15 you could speak with, for example, Jason Lopez. And in that
16 regard did you ever happen to speak with Mr. Lopez about
17 access to the Public File and whether or not he may have
18 taken something from the Public File and not put it back?

19 A Quite frankly, I tried to have as little to do
20 with Mr. Lopez as possible. I didn't respect him. He had
21 come to -- the station had thrown a little party for me, I
22 think it was around mid April or something, just meet the
23 General Manager, and he appeared and he was very bold and
24 cavalier. And my heard was broken over a license challenge,
25 that's the worst thing you can levy against a station,

came to be prepared?

A Not since I've been there.

Q Moving on to response No. 2, Directive No. 2, you can see here on August 1, 1997, did KALW Public File contain all of the Issues Programs Lists required by then Section 73.3527? And in response to that the letter provides a 'yes' and then it goes on from there. Knowing what you know now, on August 1, 1997 did the station's Public File contain all the lists that were required by the rules?

A I don't know anything more than anybody else. I would hope so.

Q Okay. I mean I can tell you it's fair to state that if you don't know, you can just say I don't know.

A I don't know, I really don't know.

Q And has anyone at the station ever told you that on August 1, 1997 all of those reports weren't there, all of those lists weren't there?

A Nobody ever said that.

Q Nobody ever said that?

A No.

Q On the other hand, has anybody said to you, on August 1, 1997, by God, those lists were there?

A I surmised it from reading the draft.

Q Okay. But, has anybody at the station told you, I mean like I'm talking to you now --

A It's more like the Issues Programs Lists were
one.

Q And who would have told you that?

A Probably in conversation with Bill.

Q Bill Helgeson?

A Yes.

Q Okay.

A We don't have a very big staff.

Q All right. I'm on a first name basis with a few
people.

A Well, I mean there's not many people to talk to,
there's about three or four of us.

Q Now, reading the first paragraph where it talks
about SFUSD and the present management believe that its
Public Information Files as of August 1, 1997 contained all
required Issues Programs List, materials, etcetera. Are you
part of the present management that had that belief, or were
you not involved in what is covered here by the term
'present management'?

A I was not asked did I believe that the Public File
had all that, I was not asked that directly. I would
surmise that I was included, however, I would surmise that
it's management.

Q But, to be fair to you, there is no declaration
from you to that effect in this letter so --

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A Right.

Q -- that's why I'm trying to hone in on whether or not the present management, as referenced in this letter, really is meant to include you or not, since --

A I don't know.

Q -- you didn't get to sign anything?

A (No audible response.)

Q Let the record reflect relief. Now, focusing in particular on the last sentence of that paragraph where it reads, 'Furthermore, according to information in the files of KALW's counsel, KALW station management again reviewed the Public Information Files in January 1998'. Well, of course that couldn't have been you because you weren't there?

A Right.

Q All right, so that ends that. Now, moving onto the next paragraph, the first sentence reads, 'However, when KALW's present management reviewed the Issues Programs List file for the period in question', and that would have been the period covered by the August 1, 1997 renewal application, 'in connection with', there should be a word there, 'in making its response to the bureau's inquiry letter, they did not find, for each and every quarter during that period, specifically prepared lists with respect to all locally produced programs, but only the nationally produced

NPR Issues Programs Lists.'

Did you have any role whatsoever in the factual assertions that appear in this sentence?

A No, that might have been going on when I first came in. I know that Bill was reviewing the Public File, the Issues Programs List specifically.

Q Now, moving on to the next paragraph, the first full paragraph that appears on page six, it reads, 'SFUSD and KALW's present management are unable to explain what may have happened to this', referring to other issues or lists that were referenced above, 'or any other missing lists with respect to its locally produced programs.' Again, where it refers to KALW's present management, in the context of this sentence, is that supposed to reference Mr. Helgeson?

A That's, I would assume.

Q And you would have no reason to assume otherwise?

A No.

Q I mean there wouldn't be anybody besides yourself and him?

A Exactly, that's pretty much it.

Q As you say, a small staff. All right, moving on to the second inquiry, which is basically a subpart of the Directive No. 2, I guess it was broken out into two parts and we couldn't be bothered to go 2(a) or 2(b), we just lumped them together as 2. The second part of it reads,

'Did any lists that were in the file contain the information required by Section 73.3527.' And the response to that was, 'SFUSD and the present management at KALW FM believe that its Issues Programs List file contained all information required by then Section 73.3527 but as stated above cannot presently account for a limited number of lists of significant issues that were treated in locally produced programs.' Again, the present management would be Mr. Helgeson?

A I assume.

Q Moving on to page seven, again there's a reference to present management of KALW, your assumption would be that that is referring to Mr. Helgeson?

A Yes.

Q In the context of this letter?

A In the context of that letter, yes.

Q Now, looking at the first full paragraph of page seven, if you could please just read that to yourself? Having read that first full paragraph that appears on page seven of the April 5, 2001 letter, is there any information in that paragraph that you know now to be inaccurate?

A I don't think so.

Q Now, looking at the sentence in the middle of the paragraph, 'SFUSD believes and avers', and we had our little conversation as to what 'avers' means, 'that these materials

were present in the file on August 1, 1997.' Do you have any knowledge as to whether that in fact was so, that all the Issues Programs Lists that were required by the rule were in fact in the file on August 1, 1997?

A I have no idea.

Q Now, moving on to Directive Question No. 4, the response refers to the present General Manager and Operations Manager. I take it we're talking about two separate people and the General Manager there referred to is you?

A Yes.

Q And it states that, 'Those two persons have completely reviewed the Public Information File and made sure that it contains all required documents, reports and information through to the present.' Would that be accurate?

A That would be accurate. It was from 1992 on, I believe.

Q In any event, you personally satisfied yourself that the information that was supposed to be there, dating back to the period that the Commission was concerned about, was in fact in the file?

A Towards the end of March, yes.

Q Yes. Okay. And so when we get to Directive Inquiry No. 5, as of the date of this letter is the file now

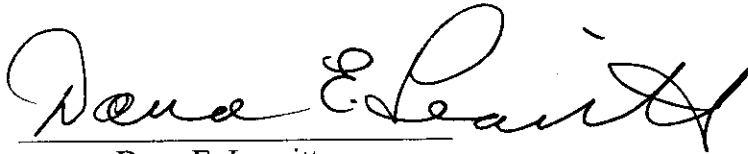
CERTIFICATE OF SERVICE

Dana E. Leavitt, Special Counsel in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 17th day of March, 2005, sent by first class United States mail, electronic mail (e-mail) and/or delivered by hand, copies of the foregoing "Enforcement Bureau's Erratum to Its Reply to Opposition to Motion to Enlarge Issues" to:

Marissa G. Repp, Esq. (by first class and electronic mail)
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